



# AMERICAN ATHEISTS

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June 16, 2023

The Honorable Representative Kelly Breen  
Chair, House Judiciary Committee  
Anderson House Office Building  
124 North Capitol Avenue  
Lansing, Michigan 48933

**Re: SUPPORT H.B. 4690, Testimony from American Atheists in support of alternative recovery programs**

Dear Chairperson Breen and Members of the House Judiciary Committee:

American Atheists, on behalf of its over 1,600 constituents in Michigan, thanks you for holding a hearing on H.B. 4690. This bill is a vital measure that would ensure that Michiganders in recovery are matched with treatment programs and support meetings that align with their personal beliefs. The bill also seeks to avoid costly lawsuits brought against the state by defendants seeking to enforce their constitutional rights. We urge you to swiftly pass this important legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate recovery care to the religious beliefs of providers and institutions.

H.B. 4690 will ensure that when a court requires an individual to receive substance use treatment as part of a sentence or diversion program, they are not mandated to attend a religious program that conflicts with their beliefs. Instead, such individuals will be allowed to participate in an equivalent secular treatment program.

In addition to ensuring that Michiganders in recovery are able to attend recovery programs and support meetings that align with their personal beliefs, H.B. 4690 also seeks to avoid costly lawsuits brought against the state by defendants seeking to enforce their constitutional rights. Courts have repeatedly upheld defendants’ rights to participate in nonreligious treatment programs, if the defendants object to religious elements of a program assigned by the court.

Over 5,500 Michiganders participate in substance use treatment programs as an alternative to incarceration, and this number does not include Michiganders seeking treatment as a condition of

prison release.<sup>1</sup> Unfortunately, the only support groups available for many participants are based on the traditional twelve-step model. While these recovery programs can be effective for many, they frequently require those seeking treatment to surrender to a higher power; a concept that courts have determined to be religious in nature and that can be incompatible with a participant's values. Too often, individuals are denied access to nonreligious treatment options.

The addiction crisis, whether due to alcohol use disorder, opioid or methamphetamine use disorder, or other substance use disorders, is a nationwide epidemic that has impacted our families, friends, and neighbors. It has created a revolving door in our criminal justice system, disproportionately impacting younger Americans and people of color. For example, there was a 9.3% increase in overdose deaths between 2020 and 2021 in Michigan, with over 3,000 lives lost.<sup>2</sup> Addressing this epidemic will require using every available tool to save lives and reduce recidivism. By expanding treatment options and mandating that the State offer secular options, we can create a more equitable system that works for everyone, not just those who hold a particular belief system.

Furthermore, making nonreligious treatment options available is well-settled law.<sup>3</sup> Unfortunately, defendants often do not have the means to secure these rights, given the expense of obtaining the services of an attorney well versed in this area of the law, and given that most defendants are not even aware that their First Amendment rights apply in this area. A state law ensuring that this right is protected is the best way forward.

No one, and certainly not a defendant in a criminal case facing fines or imprisonment or both, should be forced to forfeit their First Amendment rights. Thank you for holding a hearing on this important bill to protect the rights of people in Michigan. We urge you to swiftly pass this life-saving measure. If you should have any questions regarding our support for H.B. 4690, please contact me at [agill@atheists.org](mailto:agill@atheists.org).

Very truly yours,



Alison Gill, Esq.  
Vice President, Legal & Policy  
American Atheists

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<sup>1</sup> *Problem Solving Courts Annual Report - Fiscal Year 2022*. Michigan Supreme Court Office of Public Information. Available at: [https://www.courts.michigan.gov/4985c1/siteassets/problem-solving-courts/annual-reports/msc\\_psc\\_fy2022\\_final.pdf](https://www.courts.michigan.gov/4985c1/siteassets/problem-solving-courts/annual-reports/msc_psc_fy2022_final.pdf)[https://www.courts.michigan.gov/4985c1/siteassets/problem-solving-courts/annual-reports/msc\\_psc\\_fy2022\\_final.pdf](https://www.courts.michigan.gov/4985c1/siteassets/problem-solving-courts/annual-reports/msc_psc_fy2022_final.pdf).

<sup>2</sup> Georgia Kovanis, *Michigan Breaks Grim Record: More Drug Overdose Deaths Than Ever, Again*, Detroit Free Press, May 12, 2022. Available at <https://www.freep.com/story/news/local/michigan/detroit/2022/05/12/michigan-drug-overdose-deaths-record/9738237002/>.

<sup>3</sup> *U.S. v. Logins*, 503 Fed.Appx. 345, 352 n.4 (6th Cir. 2012) (unpublished) (citing *Inouye v. Kemna*, 504 F.3d 705, 712-14 (9th Cir. 2007)) (explaining defendants may be required to participate in substance use treatment programs, but free exercise rights limit such requirements).